

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

EDWINA HARTUNG,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No.: 05-881 SLR
	:	
FIRST STATE DINING CORP. d/b/a	:	JURY TRIAL DEMANDED
GATOR'S SPORTS BAR,	:	
	:	
Defendant.	:	

PLAINTIFF'S MOTION TO COMPEL

NOW COMES Plaintiff, who moves pursuant to F.R.Civ. Pro 37, for an order compelling the Defendant to produce its owner Jeff Sorrels for deposition and to extend the discovery cutoff in the Scheduling Order to December 31st, 2006. The grounds for this Motion are as follows:

1. Plaintiff has repeatedly requested that Jeff Sorrels, the owner of the Defendant, who is one of the individuals who it is alleged sexually harassed the Plaintiff, be produced so that his deposition could be taken prior to the current discovery cut-off of November 1, 2006. Plaintiff attaches a letter of October 10, 2006 requesting such production following a verbal request to the same effect. Exhibit A.

2. Plaintiff also requested that she be provided the location of Will Speverer so that his deposition could be taken as well. The former co-owner of the Defendant, Dean Russo, is apparently deceased. Id.

3. In addition, Interrogatories and a Request for Production of documents have not been responded to, which was filed on October 2, 2006.

4. The above information and discovery needs to be conducted and the attorney for the

Defendant advised that he was not obtaining cooperation from his client and was not ignoring our requests for the discovery.

5. Pursuant to F.R.Civ. Pro. 37 and D.Del. LR 7.1.1, this is to certify that Movant has in good faith conferred or attempted to confer with the Defendant in an effort to secure the disclosure and discovery without court action.

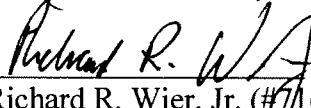
6. Plaintiff and Defendant have attempted to settle the case and engaged in mediation. Contemporaneous with this motion, Plaintiff's counsel received from Defendant's counsel a letter submitting an offer to settle. That offer will not be accepted but Plaintiff requests that the discovery cut-off of November 1, 2006 be extended to December 31, 2006 so that the aforesaid discovery can be conducted and the parties can continue to discuss settlement.

7. An order extending the discovery cut-off as requested will not impact the other dates in the Scheduling Order.

NOW THEREFORE, Plaintiff prays that the Court enter an order requiring the Defendant to appear for deposition and answer the pending discovery. Plaintiff prays further for an Order extending the discovery cut-off to December 31, 2006.

Respectfully submitted,

RICHARD R. WIER, JR.P.A.


Richard R. Wier, Jr. (#716)
Two Mill Road, Suite 200
Wilmington, DE 19806

DATE: October 25, 2006

RICHARD R. WIER, JR., P.A.

RICHARD R. WIER, JR.*

DANIEL W. SCIALPI

*ALSO ADMITTED IN PA

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October 10, 2006

**VIA FACSIMILE (302)888-0606
AND FIRST CLASS MAIL**

James S. Green, Sr.
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Wilmington, DE 19899


**Re: Edwina Hartung v. First State Dining Corp. d/b/a Gator's Sports Bar
C.A. No. 05-881 SLR**

Dear Jim:

I had called your office awhile back asking for you to give me a call so that we could discuss dates for depositions in the above captioned matter, since discovery cutoff is coming up. I suspect that we probably need to request an extension of the discovery cutoff, but in any event I had asked you to give me the whereabouts and location of the former employees and witnesses and your client so that I could take Mr. Russo's deposition and the depositions of Will Speverer and Jeff Sorrells.

Would you please give me a call and let me know when your client would be available to be deposed this month and also, whether you will produce and/or you will let me know about the location of the above individuals.

Very truly yours,


Richard R. Wier, Jr.

RRWjr:jt
cc: Edwina Hartung